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QUALCOMM INCORPORATED 5775 MOREHOUSE DR. SAN DIEGO, CA 92121			JUNTIMA, NITTAYA	
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte TAO CHEN, JACK K. WOLF,
JOSEPH P. ODENWALDER, EDWARD G. TIEDEMANN,
BRIAN K. BUTLER, and YONGBIN WEI

Appeal 2008-004797
Application 09/933,912
Technology Center 2400

Decided: October 5, 2009

Before KENNETH W. HAIRSTON, JOSEPH F. RUGGIERO,
and ROBERT E. NAPPI, *Administrative Patent Judges*.
HAIRSTON, *Administrative Patent Judge*.

DECISION ON APPEAL

This is an appeal under 35 U.S.C. §§ 6(b) and 134 from the final rejection of claims 1 to 9 and 33 to 41. We will reverse.

The disclosed invention relates to an action taken by a subscriber station to reduce power consumption during the reception and decoding of

frames by the subscriber station. The subscriber station saves power by determining a number of frames that must be received and decoded correctly by an inner decoder for an outer decoder to correctly decode the received frames, and terminating reception of the frames when the determined number of frames is received correctly (Spec. 13 to 16; Abstract).

Claim 1 is representative of the claims on appeal, and it reads as follows:

1. A method for reducing power consumption of a subscriber station, comprising:

determining a number of frames that must be received and decoded correctly by an inner decoder for an outer decoder to correctly decode the received frames; and

terminating reception of the frames when said determined number of frames was received correctly.

The prior art relied upon by the Examiner in rejecting the claims on appeal is:

Li US 5,537,410 Jul. 16, 1996

Fischer US 6,012,159 Jan. 4, 2000

The Examiner rejected claims 1, 2, 4 to 7, 9, 33, 34, 36 to 39, and 41 under 35 U.S.C. § 103(a) based upon the teachings of Fischer.

The Examiner rejected claims 3, 8, 35, and 40 under 35 U.S.C. § 103(a) based upon the teachings of Fischer and Li.

Fischer describes a method and system in which an original file X has additional packets added thereto to create redundant packets (col. 7, ll. 27 to 30). During decoding and file recovery in a first embodiment, if the number

of correctly received packets is greater than or equal to the number of original packets, then the original file can be recovered (col. 7, ll. 49 to 65; col. 8, ll. 26 to 29). During file recovery in another embodiment, Fischer indicates that there is no need for decoding if the first k received packets are exactly the same as the k original packets, and the last k-n packets can be ignored (col. 9, ll. 52 to 56; col. 10, ll. 16 to 34).

The Examiner acknowledges (Final Rej. 4) that “Fischer does not explicitly teach terminating reception of the frames when said determined number of frames was received correctly.” According to the Examiner (Final Rej. 4), “since Fischer teaches that if the number of correctly received packets is equal to the number of original packets, the original file can be reconstructed from the correctly received packets (col. 10, lines 13-20) and if the first k packets are received correctly, then the last k-n packets can be ignored (col. 9, lines 53-56), it would have been obvious to one skilled in the art at the time the invention was made to modify the teaching of Fischer to include terminating reception of the frames when said determined number of frames was received correctly as recited in the claim.”

Appellants argue *inter alia* (App. Br. 13) that Fischer “does not disclose or suggest the limitations ‘determining a number of frames that must be received and decoded correctly by an inner decoder for an outer decoder to correctly decode the received frames’ and ‘terminating reception of the frames when said determined number of frames was received correctly’” as recited in the claims on appeal.

As indicated *supra*, the first embodiment in Fischer neither teaches nor would have suggested terminating reception of the frames when a

determined number of frames was correctly received because the number of correctly received packets is greater than or equal to the number of originally transmitted packets. Although the alternative embodiment in Fischer ignores/terminates the last k-n packets, Fischer expressly states that decoding is not needed if the received packets are exactly the same as the transmitted packets. Stated differently, the claimed function of the outer decoder is not needed in the alternative embodiment described by Fischer.

Thus, the obviousness rejection of claims 1, 2, 4 to 7, 9, 33, 34, 36 to 39, and 41 is reversed because the Examiner's articulated reasons for modifying the teachings of the reference to Fischer do not support a legal conclusion of obviousness. *KSR Int'l v. Teleflex, Inc.*, 550 U.S. 398, 418 (2007). The obviousness rejection of claims 3, 8, 35, and 40 is likewise reversed because the data rate teachings of Li do not cure the noted shortcomings in the teachings of Fischer.

The decision of the Examiner is reversed.

REVERSED

KIS

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